



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

COOPER & DUNHAM, LLP
30 Rockefeller Plaza
20th Floor
NEW YORK NY 10112

MAILED

NOV 29 2010

OFFICE OF PETITIONS

In re Application of :
Michael Tucci et al. :
Application No. 09/899,776 : **DECISION ON PETITION**
Filed: July 5, 2001 :
Attorney Docket No. 6845/59951 -Z :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 28, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice), mailed August 24, 2001. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 25, 2001.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the substitute drawings as required in the Notice; (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay. Accordingly, the reply filed concurrently with the instant petition is accepted as having been unintentionally delayed.

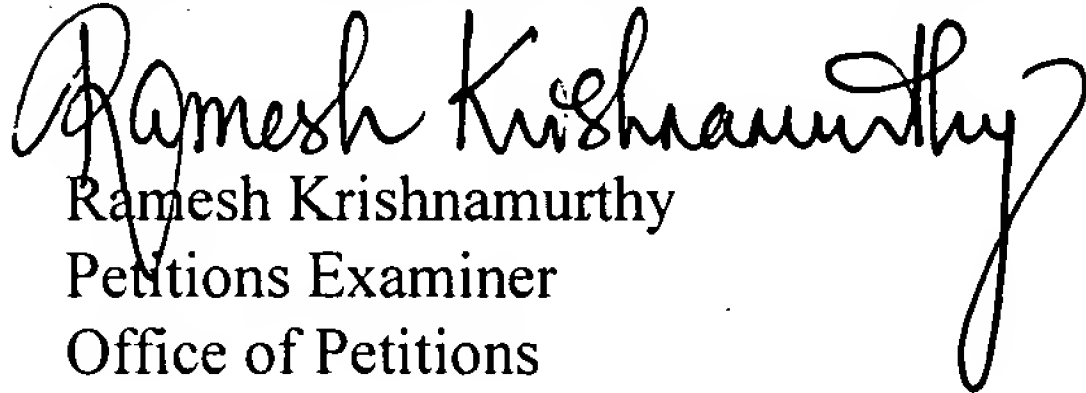
The petition fee of \$1620 has been charged to Deposit Account 03-3125, as authorized. The previous decision (referenced in the instant petition) incorrectly identified the balance due, as no petition fee had been previously charged to the petitioner's Deposit account. The error is regretted.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results

in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272 - 4914.

This application is being referred to Office of Patent Application Processing for appropriate action in the normal course of business on the reply received with the instant petition.


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions